

MAR 23 2005

Atty Docket No. 20695C-005900US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Haddad, Maher M.

Group Art Unit 1644

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER Haddad, Maher M.**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of SCHEIFLINGER et al., Application No. 09/661,992, filed September 14, 2000 for FACTOR IX/FACTOR IXA ACTIVATING ANTIBODIES AND ANTIBODY DERIVATIVES are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Form
2. Application for Patent Term Adjustment Correction (in duplicate)

Number of pages being transmitted, including this page: 8

Dated: March 23, 2005

  
Anna C. Kundel

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*Missing 3 pages*

PTO/SB/21 (09-04)

**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

		Application Number	09/661,992
		Filing Date	September 14, 2000
		First Named Inventor	Friedrich Scheiflinger, et al.
		Art Unit	1644
		Examiner Name	Haddad, Maher M.
Total Number of Pages in This Submission	7	Attorney Docket Number	20695C-005900US

**ENCLOSURES (Check all that apply)**

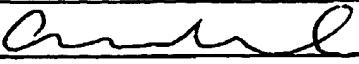
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Application for Patent Term Adjustment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Correction (in duplicate).
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
	<input type="checkbox"/>	
<input type="checkbox"/> Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Carol A. Fang		
Date	3/23/05	Reg. No.	48,631

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature	
Typed or printed name	Anna C. Kundel
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PATENT  
Docket No.: 20695C-005900US

on March 23, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:   
Anna C. Kundel

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Friedrich Scheiflinger *et al.*

Application No.: 09/661,992

Filed: September 14, 2000

For: FACTOR IX/FACTOR IXA  
ACTIVATING ANTIBODIES AND  
ANTIBODY DERIVATIVES

Examiner: Haddad, Maher M.  
Art Unit: 1644

**APPLICATION FOR PATENT TERM  
ADJUSTMENT CORRECTION**

Box Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests reconsideration of the patent term adjustment indicated in the Notice of Allowance dated December 29, 2004 received from the U.S. Patent and Trademark Office (USPTO).

The Notice of Allowance indicates a patent term adjustment of 116 days. Applicant submits that this is incorrect. Applicant believes the patent term adjustment should be 132 days. Presented below is Applicant's calculation basis for requesting a patent term adjustment of 132 days (calculated up to December 29, 2004--the date of mailing of the Notice of Allowance).

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The PAIR information for this application indicates that the USPTO has added 465 days pursuant to 37 CFR §1.703, and subtracted 349 days from the patent term adjustment period pursuant to 37 CFR §1.704. Applicant believes that the calculations are incorrect.

More specifically, pursuant to Applicant's calculations, the USPTO failed to initially act upon the application within 14 months after the filing date Under 35 USC § 154(b)(1)(A). It is Applicant's understanding that a qualifying initial action can be either a first Office Action on the merits, a written restriction or election of species requirement, or an examiner's requirement for information under 37 CFR 1.105.

Therefore the date of initial action for the subject application would be August 26, 2003, the date that the restriction requirement was mailed. The days added to the patent term adjustment period should then be 650 days, which is the duration of days between November 14, 2001, or 14 months after the date of filing, and August 26, 2003, or the date that the restriction requirement was mailed.

Further, Applicant believes that 518 days should be subtracted from the patent term adjustment period, due to Applicant's filing of Requests for Extensions of Time with Office Action or Notice Responses. More specifically, Applicant was 33 days over the three month deadline when responding to the Notice to File Missing Parts. Applicant was then 394 days over the three month deadline for responding to the Notice to Comply mailed December 12, 2001. Finally, Applicant was 91 days over the three month deadline for responding to the Office Action dated January 2, 2004.

Based upon the above, Applicant submits that as of December 29, 2004, the total patent term adjustment for this application should be 132 days (650-0-518), which is the difference between the sum of periods calculated under 37 CFR §1.703 (650 days) and the sum of periods calculated under 37 CFR §1.704 (518 days).

The instant application is not subject to any terminal disclaimer.

Please deduct the processing fee of \$200.00, pursuant to 37 CFR §1.18(e), from Deposit Account No. 20-1430 of the undersigned, and charge any additional fees or

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credit overpayment to the above Deposit Account. This petition is submitted in  
duplicate.

Respectfully submitted,



Carol A. Fang  
Reg. No. 48,631

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